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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

EXAMINER

PHAN, HANH

ART UNIT PAPER NUMBER

2633

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,888

Applicant(s)

FEUER ET AL

Examiner

Hanh Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-23 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/24/03, 05/08/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 8-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lahat et al (US Patent No. 6,233,074) in view of Doerr et al (US Patent No. 5,923,449) and further in view of Onaka et al (US Patent No. 6,351,323).

Regarding claims 1, 10 and 19, referring to Figures 5-7, Lahat discloses a method for multicasting data services on an optical network, the method comprising steps of:

receiving a wavelength division multiplexed (WDM) signal from a node of the optical network (i.e., receiving a wavelength division multiplexed signal from node 1, Fig. 5, col. 9, lines 20-60), the WDM signal including a plurality of wavelengths;

separating (i.e., WDM demultiplexer 114, Fig. 6) at least one wavelength from the plurality of wavelengths of the WDM signal (col. 9, lines 33-62);

transmitting (i.e., optical transmitter 132, Fig. 6) each separated wavelength with multicast data (col. 10, lines 38-58);

recombining (i.e., WDM multiplexer 126, Fig. 6) each separated wavelength with each wavelength of the WDM signal that was not separated from the WDM signal; and

sending the WDM signal to a plurality of subscriber nodes of the optical network for delivering the multicast data (col. 6, lines 3-40 and col. 10, lines 38-64).

Lahat differs from claims 1, 10 and 19 in that he fails to teach a hub node and an optical modulator for modulating the light signal with data. However, Doerr in US Patent No. 5,923,449 teaches a hub node (i.e., central office 8, Fig. 1A, col. 2, lines 52-67) and Onaka in US Patent No. 6,351,323 teaches an optical modulator (i.e., optical modulator 50, Fig. 4A) for modulating the light signal with data (Figs. 4A and 4B, col. 10, lines 25-67 and col. 11, lines 1-25). Therefore, it would have been obvious to one having skill in the art at the time the invention was made to incorporate the hub node and optical modulator for modulating the light signal with data as taught by Doerr and Onaka in the system of Lahat. One of ordinary skill in the art would have been motivated to do this since Doerr suggests in column 2, lines 52-67 and Onaka suggests in column 10, lines 25-67 and col. 11, lines 1-25 that using such the hub node and optical modulator have advantage of allowing distributing a plurality of optical signals to all the subscribers and providing a optical communication system with capacity and high speed.

Regarding claims 2 and 11, Lahat further teaches the step of separating at least one wavelength includes a step of selectively separating at least one wavelength for reconfiguring delivery of multicast data (Fig. 6, col. 9, lines 32-67 and col. 10, lines 1-64).

Regarding claims 3 and 12, Lahat further teaches the step of selectively separating separating at least one wavelength is controlled remotely, without manual

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changes being made to a device selectively separating the at least one wavelength col. 9, lines 32-67 and col. 10, lines 1-64).

Regarding claims 4, 13 and 14, Lahat further teaches the WDM signal includes a plurality of wavelengths for multicast data and at least one wavelength for non-multicast data col. 6, lines 3-40).

Regarding claims 8, 17 and 22, Lahat further teaches the optical network is a unidirectional ring network (Fig. 5).

Regarding claims 9, 18 and 23, the combination of Lahat , Doerr and Onaka teaches the optical network is a bidirectional ring network (Fig. 1A of Doerr).

Regarding claims 15 and 20, Lahat further teaches the selection device is a four port wavelength crossbar switch (Figs. 5 and 7).

Regarding claims 16 and 21, Lahat further teaches the switch selectably switches at least one selected wavelength (col. 11, lines 16-19 and col. 12, lines 12-63).

Allowable Subject Matter

3. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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Brorson et al (US Patent No. 5,930,016) discloses upgradeable modular wavelength division multiplexer.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.


HANH PHAN
PRIMARY EXAMINER